



## **CITY OF SAN JOSÉ, CALIFORNIA**

---

### **MINUTES OF THE CITY COUNCIL**

**SAN JOSE, CALIFORNIA**

**TUESDAY, MAY 3, 2005**

The Council of the City of San Jose convened in Regular Session at 9:32 a.m. in Council Chambers at City Hall.

Present: Council Members: Campos, Chavez, Chirco, Cortese, LeZotte, Pyle, Reed, Williams, Yeager; Gonzales.

Absent: Council Members: None.

Upon motion unanimously adopted, the City Council recessed to Closed Session at 9:35 a.m. in Room 600 to (A) confer with Legal Counsel regarding existing litigation pursuant to Government Code Section 54956.9 Subsection (a) to consider cases of City of San José, et al. v. County of Santa Clara, et al.; (B) to confer with Legal Counsel regarding anticipated litigation (a) of a matter where there is significant exposure to litigation pursuant to subsection; (C) confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Manager designee Alex Gurza; Employee Organizations: (1) San José Police Officers' Association, (2) International Association of Firefighters, (3) Municipal Employees Federation.

By unanimous consent, Council reconvened from Closed Session and recessed at 10:43 a.m. and reconvened at 1:38 p.m. in Council Chambers, City Hall.

Present: Council Members: Campos, Chavez, Chirco, Cortese, LeZotte, Pyle, Reed, Williams, Yeager; Gonzales.

Absent: Council Members: None.

### **INVOCATION (DISTRICT 5)**

Yosimar Reyes, a feature poet and student at the Latino College Preparatory Academy.

### **PLEDGE OF ALLEGIANCE**

Mayor Gonzales led the Pledge of Allegiance.

## **ORDERS OF THE DAY**

Upon motion by Council Member Chavez, seconded by Council Member Yeager, and unanimously carried, the Order of the Day and the Amended Agenda were approved with the deferral of Item 1.9, 2.6, and 3.2(g)(1) to May 10, 2005 and Item 4.5 to May 17, 2005. (10-0).

## **CEREMONIAL ITEMS**

- 1.1 Presentation of a commendation to CourseCo, Inc. for Los Lagos Golf Course and to Superintendent Alan Andreasen for being honored with the Environmental Leader in Golf Chapter Award. (LeZotte)**  
**(Deferred from 4/5/05 – Item 1.3)**

Action: Mayor Gonzales was joined at the podium by Council Member LeZotte to present a commendation to President Tom Isaac and Superintendent Alan Andreasen of CourseCo, Inc. for the Los Lagos Course being honored with the Environmental Leader in Golf Chapter Award. Mr. Issac thanked the Council for their commendation.

- 1.2 Presentation of a proclamation declaring May as Older American’s Month in the City of San José. (Mayor/LeZotte)**

Action: Council Member LeZotte and Mayor Gonzales presented a proclamation declaring the month of May as Older American’s Month in the City of San José.

- 1.3 Presentation of a commendation to the California Theatre Team for its exemplary dedication and invaluable contributions to the City organization. (Mayor/Redevelopment Agency)**

Action: Mayor Gonzales and Assistant Executive Director Sharon Landers presented a commendation to Redevelopment Agency Director Bill Ekern, Project Manager Bob Ruff, and Project Manager Sharon Jones of the California Theatre Team for their contributions to the community and City organization.

- 1.4 Presentation of commendations in recognition for being “Green Businesses.” (Environmental Services)**

Action: Mayor Gonzales and Council Member LeZotte presented commendations to Anderson Brulee, Canon Business Inc., PowerFlare Systems, Big Sky Construction and Design, Santa Clara Valley Water District, and Shaw Environmental Inc., in recognition for being honored with the title of, “Green Businesses”.

- 1.5 Presentation of a proclamation designating May 14-21, 2005 as Affordable Housing Week. (Housing)**

Action: Mayor Gonzales was joined by Director of Housing Leslye Corsiglia to accept the proclamation designating May 14-21, 2005 as Affordable Housing Week.

- 1.9 Presentation of a commendation to San José Medical Coalition for its exemplary dedication and invaluable contribution to the San José community.  
(Mayor/Chavez)  
(Orders of the Day)**

Action: This item was deferred to May 17, 2005.

## **CONSENT CALENDAR**

Upon motion by Vice Mayor Chavez, seconded by Council Member Cortese and unanimously carried, the Consent Calendar was approved. (9-0-1). Absent: LeZotte.

- 2.2 (a) ORD. NO. 27406 – Rezones certain real property situated at the northeast corner of Bonita Avenue and Sunny Court (370 Bonita Avenue) to A(PD) Planned Development Zoning District. PDC05-006**

Documents Filed: Proof of publication of title of Ordinance No. 27406 executed on April 26, 2005, submitted by the City Clerk.

Action: Ordinance No. 27406 was adopted. (9-0-1). Absent: LeZotte.

- 2.3 Adoption of the following appropriation ordinance and funding source resolution amendments in the Gift Trust Fund:**
- (a) Increase the Library General Gifts appropriation to the Library Department by \$31,975.**
- (b) Increase the estimate for Earned Revenue by \$31,975.**
- CEQA: Not a Project. (City Manager’s Office)**

Documents Filed: Memorandum from Budget Director Larry D. Lisenbee, dated April 13, 2005, recommending adoption of the ordinance and resolution amendments.

Action: Ordinance No. 27416, entitled: “An Ordinance of the City of San José Amending Ordinance No. 27196 to Appropriate Moneys in the Gift Trust Fund for the Library General Gifts; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption”, and Resolution No. 72641, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 72189 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2004-2005 to Adjust Revenues in the Gift Trust Fund”, were adopted. (9-0-1). Absent: LeZotte.

- 2.4 (a) Set a public meeting on June 7, 2005 at 1:30 p.m. to consider adoption of a resolution of intention to levy increased assessments in the Willow Glen Business Improvement District for Fiscal Year 2005-2006;**
- (b) Set a public hearing on June 28, 2005 at 1:30 p.m. on the levy of increased assessments for FY 2005-2006; and**
- (c) Direct the City Clerk to publish the required notice of the public meeting and public hearing.**
- CEQA: Exempt, PP03-05-165. Council District 6. (Economic Development)**

**2.4 (Cont'd.)**

Documents Filed: Memorandum from Director of Economic Development Paul Krutko, dated April 13, 2005, recommending setting a public meeting, hearing and direction for the City Clerk.

Action: The public meeting, hearing and direction to the City Clerk were approved. (9-0-1). Absent: LeZotte.

**2.5 Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2004-2005 #15 and authorization for the Director of Finance to execute the purchase orders. CEQA: See memo for CEQA designation(s). (Finance)**

Documents Filed: Memorandum from Finance Director Scott P. Johnson, dated April 13, 2005, recommending approval of the award.

Action: The award was approved. (9-0-1). Absent: LeZotte.

**2.6 Adoption of a resolution approving amendments to the project selection system for the City's affordable housing development program to:**

- (a) Add senior, adaptive re-use, and acquisition/rehabilitation developments as eligible housing projects;
- (b) Add as an additional application threshold a requirement that a minimum percentage of the units in each project be affordable to extremely low-income households; and
- (c) Convert from a funding-round process to an over-the-counter application process. CEQA: Not a Project. SNI: All. (Housing)

Action: This item was deferred to May 17, 2005.

**2.7 Adoption of a resolution authorizing the City Manager to submit a Library Services and Technology Act (LSTA) grant application to the California State Library, requesting \$113,704 to fund the *Gateways to Literacy Project*, which would increase services at the Branch Libraries for low-level literacy adults and their families, and connect more adults with the formal literacy services of the Library's Partners in Reading Program, and to execute all documents related to the application, and to accept the grant if awarded. CEQA: Not a Project. (Library)**

Documents Filed: Memorandum from Library Director Jane Light, dated April 13, 2005, recommending adoption of the resolution.

Action: Resolution No. 72642, entitled: " A Resolution of the Council of the City of San José Authorizing the City Manager to Execute and Submit an Application to the California State Library for a Grant for the Gateways to Literacy Project Requesting an Amount of \$113,704, to Accept the Grant if Awarded, and to Execute All Related Documents", was adopted. (9-0-1). Absent: LeZotte.

- 2.8 Adoption of a resolution amending the Administrative Citation Schedule of Fines to increase the fine for a violation of Municipal Code Section 9.10.550, subsection B (for improperly covering solid waste for transport), from \$25 to \$271, to take effect June 1, 2005. CEQA: Not a Project. SNI: All. (Parks, Recreation and Neighborhood Services)**

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Sara L. Hensley, dated April 13, 2005, recommending adoption of the resolution.

Action: Resolution No. 72643, entitled: “A Resolution of the Council of the City of San José Amending the Administrative Citation Schedule of Fines for Certain Violations of the San José Municipal Code in Order to Increase the Fine for Violation of San José Municipal Code Section 9.10.550B, the Transportation of Solid Waste in Covered Vehicles, and Repealing Resolution No. 71216, as Amended, to Be Effective June 1, 2005”, was adopted. (9-0-1). Absent: LeZotte.

- 2.9 Adoption of a resolution to:**

- (a) Initiate proceedings to consider the John C. Morrill House, located at 897 Jackson Street, as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of a historic nature.**
- (b) Set a public hearing on June 28, 2005, at 1:30 p.m.**
- (c) Refer the matter back to the Historic Landmarks Commission for its consideration at a public hearing, report and recommendation.**

**CEQA: Exempt, File No. HL05-151. Council District 3. (Planning, Building and Code Enforcement)**

Documents Filed: (1) Memorandum from Director of Planning, Building and Code Enforcement Stephen M. Haase, dated April 13, 2005, recommending adoption of the resolution. (2) Affidavit of Routing from City Clerk Lee Price, dated May 12, 2005.

Action: Resolution No. 72644, entitled: “ A Resolution of the Council of the City of San José Initiating Proceedings on Its Own Motion, Pursuant to the Provisions of Chapter 13.48 of Title 13 of the San José Municipal Code, to Designate the John C. Morrill House, Presently Located at 897 Jackson Street, as a City Landmark of Special Historical, Architectural, Cultural, Aesthetic or Engineering Interest or Value of a Historic Nature”, was adopted. (9-0-1). Absent: LeZotte.

- 2.10 Approval of a first amendment to the agreement with Franco Associates Architects for architectural services for the Dr. Roberto Cruz Alum Rock Branch Library, extending the term of the agreement from May 30, 2005 to November 30, 2005, and increasing the amount of compensation by \$58,000, for a total agreement amount not to exceed \$1,033,000. CEQA: Mitigated Negative Declaration, H02-064. Council District 5. SNI: East Valley/680 Communities. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated April 20, 2005, recommending approval of the amendment.

**2.10 (Cont'd.)**

Action: The amendment was approved. (9-0-1). Absent: LeZotte.

**2.11 Appoint Frank Penrose, a facilitator of the St. James Neighborhood Historic District Association advisory group and Larry Elcenko, a resident in the University Neighborhood to the Civic Plaza Parking and Traffic Committee, filling At Large Member vacancies. CEQA: Not a Project. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated April 13, 2005, recommending the appointment.

Action: The appointment was approved. (9-0-1). Absent: LeZotte.

**2.12 Approval of a second amendment to the agreement with YEI Engineers Inc., for consultant services for the project entitled, "San José/Santa Clara Water Pollution Control Plant: WPCP Electrical Systems Improvement Study," amending the scope of services to include study, design, bid period services, and construction support services for the Switchgear M3/M4 Current Limiter Project, the Switchgear S2/S2A Current Limiter/Replacement Project, the Medium Voltage Cable Replacement Project, increasing compensation by \$396,000, for a total agreement amount not to exceed \$787,268; and extending the term of the agreement from June 30, 2005 to October 30, 2010. CEQA: Not a Project. (Environmental Services) (Deferred from 4/26/05 – Item 2.9)**

Documents Filed: (1) Memorandum from Director of Environmental Service Carl W. Mosher, dated April 6, 2005, recommending approval of the amendment. (2) Letter from Treatment Plant Advisory Committee (TPAC), dated April 14, 2005, recommending Council approval of the proposed amendment.

Action: The amendment was approved. (9-0-1). Absent: LeZotte.

- 2.13 (a) Adoption of a resolution authorizing the City Clerk to execute an amendment to the agreement with Hanson, Bridgett, Marcus, Vlahos, Rudy, LLP, to increase compensation by \$75,263.18 for providing investigation services related to the Converged Data network and Telephony System RFP process for the New City Hall, and for a total amount not to exceed \$150,263.18. (Mayor/City Clerk)**
- (b) Adoption of an appropriation ordinance amendment in the General Fund to:**
- (1) Increase the non-personal appropriation in the City Attorney's Office by \$90,264, and;**
  - (2) Decrease the Contingency Reserve by \$90,264.**
- (City Clerk/City Attorney/City Manager)**  
**(Rules Committee referral 4/27/05)**

Documents Filed: Memorandum from City Clerk Lee Price and Budget Director Larry D. Lisenbee, dated April 29, 2005, recommending adoption of the resolution and ordinance amendment.

**2.13 (Cont'd.)**

Action: Ordinance No. 27417, entitled: “An Ordinance of the City of San José Amending Ordinance No. 27196 to Appropriate Moneys in the General Fund, City Attorney’s Office, for Non-Personal Equipment; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption”, and Resolution No. 72645, entitled: “A Resolution of the Council of the City of San José Authorizing the City Clerk to Execute an Amendment to the Agreement with Hanson, Bridgett, Marcus, Vlahos, Rudy, LLP to Increase the Total Amount of Compensation by \$75,263.18, to a Total Amount Not to Exceed \$150,263.18”, were adopted. (9-0-1). Absent: LeZotte.

- 2.14 Adoption of an appropriation ordinance amendment in the General Fund to:**
- (1) Increase the Citywide expenses appropriation to the City Clerk’s Office by \$15,000; and,**
  - (2) Decrease the Contingency Reserve by \$15,000.**
- (City Clerk/City Attorney/City Manager)**  
**(Rules Committee referral 4/27/05)**

Documents Filed: Memorandum from City Clerk Lee Price and Budget Director Larry D. Lisenbee, dated April 29, 2005, recommending adoption of the ordinance amendments.

Action: Ordinance No. 27418, entitled: “An Ordinance of the City of San José Amending Ordinance No. 27196 to Appropriate Moneys in the General Fund, Strategic Support for the Independent Investigator for Council Member Gregory; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption”, was adopted. (9-0-1). Absent: LeZotte.

- 2.15 Approval of Council Member Williams’ travel to New York and Boston, April 28-29, 2005, for the Federated Retirement Real Estate Due Diligence trip. Funding: Retirement Services. (Williams)**  
**(Rules Committee referral 4/27/05)**

Documents Filed: None.

Action: Council Member Williams’ travel was approved. (9-0-1). Absent: LeZotte.

**STRATEGIC SUPPORT SERVICES**

- 3.2 Report of the Rules Committee – April 20, 2005**  
Vice Mayor Chavez, Chair

Documents Filed: The Rules Committee report of April 20, 2005.

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting

### 3.2 (Cont'd.)

(b) City Council

(1) Review May 3, 2005 Agenda

The Committee recommended approval of the May 3, 2005 City Council agenda with three additions.

(2) Add New Items to April 26, 2005 Agenda

The Committee recommended two additions to the City Council Agenda.

(3) List of Reports Outstanding. Attachment: Report from the City Manager's Office, dated April 19, 2005, listing four (4) staff reports outstanding for the April 26, 2005 City Council Meeting.

The Committee noted and filed the City Manager's Report.

(c) Legislative Update

(1) State

(a) Assembly Bill 985 (Torrice): Labor: Military Duty. Attachment: Report from Director of Intergovernmental Relations Betsy Shotwell, dated April 14, 2005, regarding Assembly Bill 985 (Torrice): Labor: Military Duty.

The Committee accepted the recommendation for the City to support Assembly Bill 985 (Torrice), which would prohibit an employer discharging or discriminating against an employee for taking time off to perform active military duty as a member of militia of this states as provided.

(2) Federal

There was no report.

(d) Meeting Schedules. Attachment: Memorandum from Mayor Gonzales, dated April 14, 2005, requesting approval of a revised 2005-2006 Budget Study Session Calendar.

(1) Approval of the Revised 2005/2006 Budget Study Session Schedule

The Committee recommended approval of the revised 2005-2006 Budget Study Session Calendar.

(e) The Public Record. Attachment: Memorandum from City Clerk Lee Price, dated April 14, 2005, transmitting items filed for the Public Records for the period April 6 – 12, 2005.

The Committee noted and filed the Public Record.

## 3.2 (Cont'd.)

### (f) Appointments to Boards, Commissions and Committees

- (1) Mobile Home Advisory Commission. Attachment: Memorandum from Council Member Reed, dated April 12, 2005, recommending appointments of Alice Esquivel to the Mobile Home Advisory Commission.

The Committee recommended appointment of Alice Esquivel as the neutral representative on the Mobile Home Advisory Commission for an unexpired term ending December 31, 2006.

- (2) Airport Commission. Attachment: Memorandum from Council Member Reed, dated April 12, 2005, recommending re-appointment of two Airport Commission incumbents.

The Committee recommended the re-appointment of incumbents Daniel Biesterveld and Rolayne Edwards to terms ending June 30, 2008.

- (3) Arts Commission. Attachment: Memorandum from Council Member Williams, dated April 15, 2005, recommending re-appointment of three Arts Commission incumbents.

The Committee recommended the re-appointment of incumbents Jill Arnone, Sharon Gustafson, and David Eisbach to terms ending June 30, 2008.

- (4) Disability Advisory Commission. Attachment: Memorandum from Council Member LeZotte, dated April 15, 2005, recommending re-appointment of three Disability Commission incumbents.

The Committee recommended the re-appointment of incumbents Susan G. Espinoza, Thomas Matola, and Barbara E. Stahl to terms ending June 30, 2008.

- (5) Early Care and Education Commission. Attachment: Memorandum from Council Member Chirco, dated April 14, 2005, recommending re-appointment of three Early Care and Education Commission incumbents.

The Committee recommended the re-appointment of incumbents Mona Lemon, Bertha Martin, and Jemima Munoz to terms ending June 30, 2008.

- (6) Library Commission. Attachment: Memorandum from Council Member Yeager, dated April 11, 2005, recommending re-appointment of two Library Commission incumbents.

The Committee recommended the re-appointment of incumbents Timothy Karas and John Ramos to terms ending June 30, 2008.

### 3.2 (Cont'd.)

(f) Appointments to Boards, Commissions and Committees

- (7) Parks & Recreation Commission. Attachment: Memorandum from Council Member Yeager, dated April 11, 2005, recommending re-appointment of two Parks and Recreation Commission incumbents.

The Committee recommended the re-appointment of incumbents Patricia Eaton and Mary Ann Ruiz to terms ending June 30, 2008.

- (8) Senior Citizens Commission. Attachment: Memorandum from Council Member LeZotte, dated April 15, 2005, recommending re-appointment of one Senior Citizens Commission incumbent.

The Committee recommended the re-appointment of incumbent Marilou Cristina to a term ending June 30, 2008.

- (9) Traffic Appeals Commission. Attachment: Memorandum from Council Member Yeager, dated April 11, 2005, recommending re-appointment of one Traffic Appeals Commission incumbent.

The Committee recommended the re-appointment of incumbent Dale Osborn to a term ending June 30, 2008.

(g) Rules Committee Reviews, Recommendations and Approvals

- (1) Approval of an Addition to the City Auditor's Workplan Related to Disability Retirement Issues. Attachment: Memorandum from Mayor Gonzales and Vice Mayor Chavez, dated April 18, 2005, regarding an Auditor Work Plan addition for disability retirements.

The Committee recommended adding an audit review of disability retirement issues to the City Auditor's work plan.

*Council deferred action to May 10, 2005.*

- (2) Request for Workload Assessment, Workplan, and Feasibility Study for the Silicon Valley Boys & Girls Club. Attachment: Memorandum from Council Member Cortese, dated April 13, 2005, regarding the Silicon Valley Boys and Girls Club.

The Committee directed the Administration to return to the Rule Committee on April 27, 2005 and provide a workload assessment, work plan, and feasibility study for the two options currently presented to determine how the City can assist in mitigating the Boys & Girls Club of Silicon Valley's deteriorating financial situation.

### 3.2 (Cont'd.)

- (g) Rules Committee Reviews, Recommendations and Approvals
  - (3) Allocation Request from the Community Gift Trust Fund. Attachment: Memorandum from Interim Chief of Staff Jim Webb, dated April 13, 2005, regarding Allocation Request from the Community Gift Trust Fund.

The Committee recommended authorization of the allocation of \$250 from District 7's portion of the Community Gift Trust Fund for expenditure on the following community events:

- (1) King-Ocala Neighborhood Association clean-ups; and
  - (2) McLaughlin Corridor clean-up.
- (h) Oral Communications  
There were none presented.
  - (i) Adjournment  
The meeting adjourned at 2:20 p.m.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Yeager, and unanimously carried, the Rules Committee Report and Actions of April 20, 2005 were accepted with the deferral of Item (g)(1) to 5/10/05. (10-0).

### 3.3 Report of the Making Government Work Better Committee – April 21, 2005 Council Member Reed, Chair

Documents Filed: Report of the Making Government Work Better Committee of April 21, 2005.

- (a) Marketing and Usage of the Compressed Natural Gas Facility at the Airport.  
Attachment: Memorandum from Interim Director of Aviation Frank Kirkbride, dated April 15, 2005, recommending acceptance of the report.

The Committee accepted the staff report, and directed Staff to return with a status report in June 2005.

- (b) Public Art Project Allocation Process  
The Committee deferred this item to May.
- (c) Northside Community Center  
The Committee deferred this item to May.
- (d) Public Works Transportation Contract Cycles  
The Committee deferred this item to June.

### 3.3 (Cont'd.)

- (e) Semi-annual Recommendation Follow-up Report on All Outstanding Audit Recommendations for the Six Months Ended December 31, 2004. Attachment: Semi-Annual Recommendation Follow-up Report on All Outstanding Audit Recommendations for the Six Month Ended December 31, 2004, from the Office of the City Auditor, dated April 13, 2005.

No Committee action was taken, but it was agreed in discussion that the Auditor's Office staff would consider a future work plan item to randomly review selected recommendations implemented some years ago, to ensure that there is ongoing compliance.

- (f) Environmental Services Department Laboratory  
The Committee deferred this item to June.
- (g) Review of Work Plan. Attachment: Memorandum from Mayor Gonzales and Council Member Reed recommending approval of the workplan.  
The Committee deferred this item to June.
- (h) Oral Petitions – None.
- (i) Adjournment  
The meeting was adjourned at 1:20 p.m.

Action: Upon motion by Council Member Reed, seconded by Vice Mayor Chavez, and unanimously carried, the Making Government Work Better Committee Report and Actions were accepted. (10-0).

## ECONOMIC & NEIGHBORHOOD DEVELOPMENT

### 4.1 Report of the Building Strong Neighborhoods Committee – April 18, 2005 Council Member Chirco, Chair

Documents Filed: The Building Strong Neighborhoods Committee report of April 18, 2005.

- (a) Greenprint Update and Discussion. Attachment: Memorandum from Director of Parks, Recreation and Neighborhood Services Sara L. Hensley, dated April 4, 2005, recommending acceptance of the report.

The Committee accepted the staff report.

#### 4.1 (Cont'd.)

- (b) Multi-Service Delivery HUB Model Discussion. Attachment: Memorandum from Director of Parks, Recreation and Neighborhood Services Sara L. Hensley, dated April 6, 2005, recommending acceptance of the Multi-Service Delivery Hub Model Update.

The Committee accepted the staff report.

- (c) Oral Petitions  
Debra Grant addressed the Committee.
- (d) Adjournment  
The meeting was adjourned at 2:27 p.m.

Action: Upon motion by Council Member Chirco, seconded by Council Member Campos, and unanimously carried, the Building Strong Neighborhoods Committee Report and Actions were accepted. (10-0).

#### 4.4 Adoption of a resolution approving revisions to the Council Policy on Post-Construction Urban Runoff Management (Policy No. 6-29) to:

- (a) **Require the installation of stormwater treatment control measures in new and redevelopment projects which create, replace or add 10,000 square feet or more of impervious surface and involve "Land Uses of Concern," or require a permit or other direct approval from the Regional Water Quality Control Board (RWQCB);**
- (b) **Expand the Policy definition of "Land Uses of Concern" to include projects involving vehicle or equipment maintenance areas, including washing and repair, outdoor handling or storage of waste or hazardous materials, outdoor manufacturing area(s), outdoor food handling or processing, outdoor animal care, and outdoor horticultural activities where potential pollutant loading cannot be satisfactorily mitigated through other post-construction source control best management practices; and**
- (c) **Make a technical correction in the "Urban Core" definition related to the required proximity to a BART transit node.**

**CEQA: Exempt, PP05-012. (Planning, Building and Code Enforcement)  
(Deferred from 4/19/05 – Item 4.3)**

Action: This item was deferred to May 10, 2005.

#### 4.5 Approval of actions related to the Evergreen Specific Plan:

- (a) **Approval to appoint members to the Specific Plan Task Force.  
(Mayor/Campos/Council District 7)**
- (b) **Council discussion on policy issues, desired outcomes and guidelines for discussion within Specific Plan process.**
- (c) **Approval to initiate an update to the Evergreen Development Policy and associated General Plan text. (Planning, Building and Code Enforcement)  
(Referred from 4/19/05 – Item 4.7)**

4.5 (Cont'd.)

Action: This item was deferred to May 17, 2005.

4.6 **Approval of fiscal actions to fund the rehabilitation of homes owned by low-income residents within existing SNI areas.**

(a) **Adoption of a resolution:**

(1) **Authorizing the Director of Housing to accept a \$1,000,000 CalHome Program grant from the California Department of Housing and Community Development (HCD) to fund the rehabilitation of homes owned by low-income residents within existing SNI areas.**

(2) **Authorizing the Director of Housing to execute all documents necessary to implement the program.**

(b) **Adoption of the following appropriation ordinance and funding source resolution amendments in the Multi-Source Housing Fund (Fund 448):**

(1) **Increase the CalHome Program appropriation by \$1,000,000.**

(2) **Increase the estimate for Grant Revenue in the amount of \$1,000,000.**

**CEQA: Not a Project. SNI: All. (Housing/City Manager's Office)**

Documents Filed: Memorandum from Director of Housing Leslye Corsiglia and Budget Director Larry D. Lisenbee, dated April 13, 2005, recommending adoption of the resolution.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Williams, and unanimously carried, Ordinance No. 27419, entitled: "An Ordinance of the City of San José Amending Ordinance No. 27196 to Appropriate Moneys in the Multi-Source Housing Fund for the CalHome Program; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", Resolution No. 72646, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Housing to Accept a CalHome Program Grant from the California Department of Housing and Community Development", and Resolution No. 72647, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 72189 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2004-2005 to Adjust Revenues in the Multi-Source Housing Fund", were adopted. (10-0).

4.7 **Final Public Hearing and approval of the 2005-2010 Consolidated Plan and Annual Action Plan for FY 2005-2006.**

(a) **Adoption of the 2005-2010 Consolidated Plan and 2005-2006 Annual Action Plan, including FY 2005-2006 proposed recommendations for the Community Development Block Grant (CDBG) Program, the HOME Investment Partnership Program (HOME), the Housing Opportunities for People with HIV/AIDS (HOPWA) Program, and the Emergency Shelter Grant (ESG) Program.**

(b) **Adoption of a resolution authorizing the Director of Parks, Recreation and Neighborhood Services to negotiate and execute all agreements and contracts, including any amendments or modifications, for the expenditure of CDBG funds on behalf of the City.**

- 4.7 (c) **Approval of the ESG program funding recommendations. (Cont'd.)**  
(d) **Approval of the CDBG Program funding recommendations.**  
(e) **Adoption of a resolution authorizing the Director of Housing to:**  
(1) **Negotiate and execute all agreements and contracts, including any amendments or modifications, for the expenditure of ESG, HOME and HOPWA funds on behalf of the City.**  
(2) **Submit the 2005-2010 Consolidated Plan and 2005-2006 Annual Action Plan to HUD.**

**CEQA: Not a Project. (Housing/Parks, Recreation and Neighborhood Services)**

Documents Filed: (1) Supplemental memorandum from Director of Housing Leslye Corsiglia and Director of Parks, Recreation and Neighborhood Services Sara L. Hensley, dated April 25, 2005, providing report comments received during the 30-day public comment period. (2) Memorandum from Director of Housing Leslye Corsiglia and Director of Parks, Recreation and Neighborhood Services Sara L. Hensley, dated April 14, 2005, recommending adoption of the proposed plans, program funding recommendations and adoption of the resolutions.

Public Comments: Saul Wachter (representing Affordable Housing Network) and Sandy Perry (representing the Community Homeless Alliance Ministry) spoke in support of the resolution.

Discussion: Council Member Reed reported he had received complaints about this year's process. Deputy Director of Parks, Recreation and Neighborhood Services Joseph Cardinalli reported that the process this year was the same as previous years, however less funding was awarded. The review panel, following Council direction, had used more in-depth rating criteria and noted that less money was funded than requested. Council questions ensued.

Vice Mayor Chavez requested Item 4.7(d) be voted upon separately from the other items, because she objected to the too tight timeframe to review and consider the funding recommendations. Items 4.7 (a)(b)(c) and (d) were approved in the following motion.

Action: Upon motion by Council Member Williams, seconded by Council Member Pyle, and unanimously carried, the 2005-2010 Consolidated Plan, 2005-2006 Annual Action Plan, and ESG and CDBG program funding recommendations were approved, and Resolution No. 72648, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Parks, Recreation and Neighborhood Services to Negotiate and Execute all Agreements, Including Any Amendments or Modifications, for the Expenditure of Community Development Block Grant Funds on Behalf of the City", and Resolution No. 72649, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Housing to Negotiate and Execute All Grant Agreements; Including Amendments and Modifications, for the Expenditures of Emergency Shelter, Home, and Housing Opportunities for People with AIDS Funds, on Behalf of the City", were adopted. (10-0).

#### 4.7 (Cont'd.)

Item 4.7(d) was approved by the following motion. Upon motion by Council Member Williams, seconded by Council Member Cortese, and unanimously carried, the funding recommendations were approved. (6-4). Noes: Chavez, Pyle, Reed, Yeager.

### RECREATION & CULTURAL SERVICES

- 5.2 Approval of a consultant agreement for skate park project management and design services with Beals Alliance, Inc. for the Lake Cunningham Regional Park for a term beginning April 1, 2005 through March 31, 2008, in an amount not to exceed \$500,000. CEQA: Not a Project. Council District 8. (Parks, Recreation and Neighborhood Services)  
(Deferred from 4/19/05 – Item 5.4)**

Action: This item was deferred to May 10, 2005.

- 5.3 Approval of Master Agreements with:**
- (a) Callander Associates Master Agreement with Callander Associates Landscape Architecture, Inc. for a variety of planning, development and construction support services for trail projects from the date of execution through April 30, 2010, in an amount not to exceed \$850,000.**
  - (b) CH2M Hill Master Agreement with CH2M HILL, Inc. for a variety of planning, development and construction support services for Various Trail Projects from the date of execution through April 30, 2010, in an amount not to exceed \$850,000.**
- CEQA: Not a Project. (Public Works/Parks, Recreation, and Neighborhood Services)  
(Deferred from 4/26/05 – Item 5.5)**

Documents Filed: Memorandum from Director of Public Works Katy Allen and Director of Parks, Recreation and Neighborhood Services Sara L. Hensley, dated April 6, 2005, recommending approval of the agreements.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Yeager, and unanimously carried, the agreements were approved. (10-0).

## ENVIRONMENTAL & UTILITY SERVICES

### 7.1 Approval of agreements for projects at the Water Pollution Control Plant.

- (a) Approval of an agreement with Carollo Engineers, from April 30, 2005 to June 30, 2007, for engineering studies, preliminary and detailed design, preparation of bidding documents, and office engineering support services pertaining to design during construction for the Water Pollution Control Plant alternate disinfection, concrete repair, electrical system review/coordination and absorption chiller replacement projects, in an amount not to exceed \$596,000 for basic services, plus \$75,000 for additional services, for a total not to exceed contract amount of \$671,000 and a term of two (2) years.
- (b) Adoption of a resolution authorizing the Director of Environmental Services to negotiate and execute an amendment to the agreement with Carollo Engineers, subject to the appropriation of additional funds by the City Council, to modify the scope of services to add engineering studies, preliminary and detailed design, preparation of bidding documents, and office engineering support pertaining to design during construction for the Water Pollution Control Plant transmission pump station frequency drive replacement project, increasing the maximum compensation for basic and additional services by \$150,000 and increasing the total not to exceed contract amount of \$821,000.

**CEQA: Not a Project. (Environmental Services)  
(Deferred from 4/26/05 – Item 7.1)**

Documents Filed: Memorandum from Director of Environmental Service Carl W. Mosher, dated April 7, 2005, recommending approval of the agreement and adoption of the resolution.

Discussion: Council Member Williams requested more information about the Master Plan for the Water Pollution Control Plant.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Chirco, and unanimously carried, the agreement was approved Resolution No. 72650, entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Environmental Services to Negotiate and Execute an Amendment to the Agreement with Carollo Engineers”, was adopted with direction to staff to provide an informational memo outlining the Master Plan for the proposed project. (9-0-1). Absent: Reed.

## AVIATION SERVICES

- 8.1 Acceptance of report regarding rental car operations at the Norman Y. Mineta San José International Airport, including analysis of implementation of living wage provisions in rental car agreements at other California airports, status of discussions with rental car companies regarding proposed living wage provisions, financial terms of proposed agreements and framework for relocation of rental car operations at the Airport to the former FMC site, and take appropriate action based on review of the report. CEQA: Resolution Nos. 67380 and 71451, PP05-038. (Airport/City Manager's Office) (Referred from 3/29/05 – Item 8.1)**

Documents Filed: Memorandum from Vice Mayor Chavez, Council Member Campos, and Council Member Pyle, dated May 3, 2005, recommending direction contained therein. (2) Memorandum from Deputy City Manager Ed Shikada and Interim Director of Aviation Frank Kirkbride, dated April 27, 2005, recommending acceptance of the report.

Public Comments: Ross Signorino, Lehmer Singh, Fr Bill Leininger, Tommy Cala, Daisy Chu, Ram Singh, Dr. Bombay, Darlene Wallach, Bob Gill, Surgit Singh, Phaedra Ellis-Lamkins, Bob Dhillon spoke in favor of living wage provisions. .

Jim Tucker requested a revision be made to the proposed memorandum to include living wage provisions.

Discussion: Mayor Gonzales stated he would not be supporting the motion to remain consistent with his original commitment made in the Mayoral Election of 1998, stating that he would not support the expansion of living wage into areas that weren't believed to be covered by the living wage ordinance.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Campos, and unanimously carried, Council approved a memorandum from Vice Mayor Chavez, Council Members Campos and Pyle, dated May 3, 2005, recommending direction to staff to negotiate an extension to the current agreements with the rental car companies that requires the implementation of the San José Living Wage Policy in accordance with one of the following two phase – in plan options: (1) A. Phase 1: September 1, 2005, all employees earning less than a living wage will receive a raise equal to 50% the difference between their hourly pay and the living wage; B. Phase 2: By March 1, 2006, the full living wage level will apply, or, (2) Single Phased Implementation of the living wage level by January 1, 2006. (9-1). Noes: Gonzales.

## JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board to consider Item 10.1 in a Joint Session convened at 3:24 p.m.

- 10.1 (a) Actions by the City Council to:**
- (1) Adopt a resolution authorizing the City Manager to negotiate and execute an agreement in the amount of \$1,600,000 with Louis M. Nisich, Louis M. Nisich, Jr., Gaylen L. Nisich & Anthony J. Nisich for the purchase of real property located at 1484 Suzay Court and 1487 Nisich Drive (APN: 477-55-105 & 106) (Property); and authorizing the Director of Public Works to execute any additional documents necessary to complete the purchase of the Property.**
  - (2) Adopt a resolution making certain determinations regarding the expenditure of Redevelopment Agency Funds for the acquisition of property that will be publicly owned.**
- (b) Actions by the City Council and Redevelopment Agency Board to approve a Cooperation Agreement between the City and the Redevelopment Agency, providing for the Agency's transfer of \$1,600,000 to an Escrow Account for the purchase of the Property. (Cont'd.)**

**CEQA: Exempt, PP05-027. Council District 7. SNI: Tully/Senter. (City Manager's Office/Redevelopment Agency)  
(Deferred from 4/19/05 – Item 10.1)**

Documents Filed: None.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Reed and unanimously carried, Resolution No. 72651, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement in the Amount of \$1,600,000 with Louis M. Nisich, Louis M. Nisich, Jr., Gaylen L. Nisich, and Anthony J. Nisich for the Purchase of Real Property Located at 1484 Suzay Court and 1487 Nisich Drive; Authorizing the Director of Public Works to Execute Any Additional Documents Necessary to Complete the Purchase of Property", and Resolution No. 72652, entitled: "A Resolution of the Council of the City of San José Making Certain Determinations Regarding the Expenditure of Redevelopment Agency Funds for the Acquisition of Property Located at 1484 Suzay Court and 1487 Nisich Drive That Will Be Publicly Owned", were adopted. (10-0).

The Redevelopment Agency Board portion of the meeting adjourned at 3:24 p.m.

**NOTICE OF CITY ENGINEER'S PENDING DECISION ON FINAL MAPS**

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9664	N/S of Blossom Hill Road, opposite terminus of Croydon Avenue	9	San José Conservation Corps	7 Units	Single-Family Detached

This item was dropped.

## **OPEN FORUM—**

Documents Filed: Memorandum from Ross Signorino, dated May 3, 2005, regarding use of tax dollars to build a sport facility.

Ross Signorino, Ballpark Tax Watchdogs, spoke in favor of building a ballpark in San José, noted opposition to any new tax to fund it.

## **RECESS/RECONVENE**

The City Council recessed at 3:27 p.m. and reconvened at 7.09 p.m. Council Chambers, City Hall.

Present: Council Members - Campos, Chavez, Chirco, Cortese, Dando, LeZotte, Pyle, Reed, Williams, Yeager; Gonzales.

Absent: Council Members - None.

The City Clerk Lee Price, read the requests for continuances of applications and other actions as recommended. Upon motion by Vice Mayor Chavez, seconded by Council Member Yeager, and unanimously carried, the below noted continuances were granted. (10-0)

## **CEREMONIAL ITEMS**

### **1.6 Swearing-in ceremony for District 5 Youth Commissioner, Evelyn Rojas. (City Clerk)**

Action: City Clerk Lee Price administered the oath of office to District 5's Youth Commissioner, Evelyn Rojas.

### **1.7 Presentation of a commendation to Robert Jacobvitz for service to the community. (Reed)**

Action: Mayor Gonzales and Council Member Reed presented a commendation to Robert Jacobvitz for service to the community.

### **1.8 Presentation of a commendation to Meredith Hinz, a sixth grader at St. Francis Cabrini, and Caryn Hreha, a fifth grader at Simonds Elementary School, each of whom contributed 10 inches of their hair to the "Locks of Love" organization, which provides hairpieces to financially disadvantaged children suffering from long term medical hair loss. (Pyle) (Rules Committee referral 4/27/05)**

Action: Council Member Nancy Pyle joined Mayor Gonzales at the podium to present a commendation to Meredith Hinz and Caryn Hreha for contributing 10 inches of their hair to the "Locks of Love" organization.

## ECONOMIC & NEIGHBORHOOD DEVELOPMENT

### **4.3 Discussion and direction to Staff regarding the options regarding secondary housing units in the City, including the staff recommendation to proceed with a limited pilot program for secondary units in selected areas of the City. CEQA. Not a Project. [Building a Strong Neighborhood Committee Referral 3/21/05 – Item 4.1(d) and Driving a Strong Economy Committee Referral 3/28/05 – Item 4.2(c)] (Deferred from 4/19/05 – Item 4.6)**

Documents Filed: Memorandum from Senior Executive Analyst Nadine Nader, dated March 30, 2005, transmitting a memorandum from Director of Housing Leslye Corsiglia and Director of Planning, Building and Code Enforcement Stephen M. Haase, dated March 10, 2005, recommending direction to staff to proceed with a limited pilot program for secondary units in selected areas of the City.

Director of Housing Leslye Corsiglia and Director of Planning, Building and Code Enforcement Stephen M. Haase delivered a brief presentation on a concept for a pilot program for secondary residential units and responded to Council questions.

Discussion: Council Member Cortese requested staff consider using a variation of special sizes of secondary units within their pilot program to verify which are most successful, such as using 6,000 and 8000 sq. ft. units and to implement any concerns and suggestions that Council and the community have put forward.

Council Member Williams spoke in favor of moving forward and suggested that staff return to the Driving Strong Economy Committee with a revised program report, including recommendations to Council.

Vice Mayor Chavez objected stating concerns about the impact to high density neighborhoods and the lack of City resources to monitor. Council Member Campos concurred, adding that illegal garage housing has had a negative impact upon her constituents. Council Member Yeager stated he too, could not support the motion due to impacts on the surrounding neighborhoods and also expressed concerns about straining city resources. Council Member Pyle agreed.

Council Member Reed indicated he would be willing to support secondary units in areas where they would not create negative impacts. Council Member LeZotte concurred, adding that she was willing to take a look at the pilot program criteria. Council Member Chirco also agreed conceptually, noting that there is a need to add an element of housing the City does not yet offer (i.e., option for caregivers).

Council Member Williams encouraged his colleagues to support the pilot program because it is time to move forward with options for affordable housing. Mayor Gonzales noted he would vote favorably on the motion despite reasonable and legitimate concerns, because it will help address the needs of working families, in San José.

#### 4.3 (Cont'd.)

Public Comments: Neil Najibi, Felipe Zepeda, Phyllis Ward, Gordon Lund, Sharon Sweeney, Tracey Chew, Tom Fink, Jim Peterson, Cindy Gilmore, and Rolf Jacobs spoke in approval of the secondary housing pilot program.

Persi Kanga, Jeff Orloff, Jeanette Murphy, Marvin Christy, Carol Herzog, Ruth Cavagadro-Gilwee, David Pandori, Tiralisa Kaplow, and Gary Jensen spoke in opposition of the secondary housing pilot program.

Action: Upon motion by Council Member Williams, seconded by Council Member Reed, and unanimously carried, The Pilot Program was approved with staff direction to pursue Option 3 with parameters as outlined: (1) Consider using a variation of sizes of secondary units within the pilot program to determine which are most successful, i.e., 6,000 or 8000 sq. ft. units; (2) Address concerns raised by the Council and the community City-wide; (3) Look at issues of parking and total number of units, and after developing the criteria; (4) Return to the Driving Strong Economy Committee with a revised program report, including recommendations to Council. (6-4). Noes: Campos, Chavez, Pyle, Yeager.

### **PUBLIC HEARINGS**

#### **11.1 Public Hearing and consideration of an ordinance on Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Planned Development Zoning District to allow a portion of an existing, industrial park building to be used for a gymnastics training center and to allow a reduction in the required parking ratio for the gymnastics training center use on a 2.35 gross acre site, located at the southeast corner of Great Oaks Boulevard and Via Del Oro (100 Great Oaks Blvd.) (Span Partners LP, Owner; Dave Petersen, California Sports Center, Developer). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). CEQA: Resolution No. 70021. PDC05-018 – District 2**

Documents Filed: (1) Memorandum from the Planning Commission, dated April 13, 2005, recommending approval of the rezoning. (2) Department of Planning, Building, and Code Enforcement Staff Report on Project File Number PDC05-018, dated April 1, 2005, recommending approval of the planned development rezoning. (3) Proof of publication of Notice of Public Hearing, executed on April 1, 2005, submitted by the City Clerk. (4) Proof of publication of Notice of Public Hearing, executed on April 10, 2005, submitted by the City Clerk.

Discussion: Council Member Reed noted that this application demonstrates the difficulties the City's zoning ordinance can present to small businesses.

**11.1 (Cont'd.)**

Action: Upon motion by Council Member Williams, seconded by Vice Mayor Chavez, and unanimously carried, Ordinance No. 27420, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property Situated at the Southeast Corner of Great Oaks Boulevard and Via Del Oro (100 Great Oaks Boulevard) to A(PD) Planned Development Zoning District”, was passed for publication. (10-0).

**11.2 Public Hearing and consideration of an ordinance on Conventional Rezoning from R-2 Two-Family Residence Zoning District to R-M Multiple Zoning District to allow residential uses on a 0.20 gross acre site, located at the northeast corner of Younger Avenue and North 6<sup>th</sup> Street (257 E. Younger Ave.) (Roy Family Partnership, Owner). Director of Planning, Building and Code Enforcement recommend denial and Planning Commission forwards no recommendation (3-3-1). CEQA: Resolution No. 65459. C04-102 – District 3**

Action: This item was deferred to May 17, 2005.

**11.3 Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning from HI Heavy Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 104 single-family detached residences on a 7.6 gross acre site, located on the northeasterly side of Campbell Avenue, approximately 1000 feet northwesterly of Newhall Street (1180-1184 Campbell Avenue) (MMAD Investments, Owner/Andre Hunt-Santa Clara Development Co., Developer). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (4-2-1) of the project with staff-recommended conditions, including potentially reducing the unit count to 96 units to allow more parking on site, and wider paseos throughout the project as recommended by staff. CEQA: Mitigated Negative Declaration. PDC04-068 – District 3**

Documents Filed: (1) Memorandum from Vice Mayor Chavez and Council Member Yeager, dated May 3, 2005, recommending direction contained therein. (2) Memorandum from the Planning Commission, dated April 13, 2005, recommending conditional approval of the rezoning. (3) Department of Planning, Building, and Code Enforcement Staff Report on Project File Number PDC04-068, dated April 4, 2005, recommending approval of the planned development rezoning.

Discussion: Council Member LeZotte asked questions of Vice Mayor Chavez and Director of Planning, Building and Code Enforcement Stephen M. Haase about feedback from the Police Department and the overall safety of residents in the proposed development. The applicant’s representative Mark Robson responded that there had been concept design changes made to enhance safety and noted that he was in concurrence with the Vice Mayor’s memorandum.

### 11.3 (Cont'd.)

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Yeager, and unanimously carried, Ordinance No. 27421, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property Situated at 1180-1184 Campbell Avenue, on the Northeasterly Side of Campbell Avenue, Approximately 1,000 Feet Northwesterly of Newhall Street in the City of San José to A(PD) Planned Development Zoning District”, was passed for publication. (10-0), and Council approved a memorandum from Vice Mayor Chavez and Council Member Yeager, dated May 3, 2005, recommending Council approve the proposed 104-unit rezoning with the following modifications: (1) At the PD Permit Phase, direct staff to pursue the following changes proposed by the applicant to address outstanding concerns; (a) Minimum Paseo width of 16-18 feet, (b) Increase the number of on-site parking spaces from 85 to approximately 98 spaces, (c) Trees along the street frontages that provide a tall, large canopy when mature, (d) Traffic calming elements along Campbell Avenue, (d) Continued design refinement that seeks to incorporate architectural elements reflective of the neighborhood; (2) Direction to staff to conduct a neighborhood meeting prior to the Director’s Hearing for the PD Permit; and (3) Pursuit of the acceptance of the developer’s offer to donate \$18,750 to the City of San José to be used towards master planning efforts of the Campbell Avenue area. (10-0).

### 11.4 **Public Hearing on and consideration of approval of an ordinance on Conforming Prezoning from County to R-1-8 Residential District to allow residential use on a 0.13 gross acre site, located on the west side of Richmond Avenue, approximately 150 feet north of Scott Street (Leonard Lao, Owner). Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. SNI: Burbank/Del Monte. CEQA: Resolution No. 65459. C05-011 – District 6**

Documents Filed: (1) Department of Planning, Building, and Code Enforcement Staff Report on Project File Number C05-011, dated April 13, 2005, recommending approval of the Conforming Prezoning. (2) Proof of publication of Notice of Public Hearing, executed on April 22, 2005, submitted by the City Clerk. (3) Proof of publication of Notice of Public Hearing, executed on May 1, 2005, submitted by the City Clerk.

Action: Upon motion by Council Member Yeager, seconded by Vice Mayor Chavez, and unanimously carried, Ordinance No. 27422, entitled: “An Ordinance of the City of San José Prezoning Certain Real Property Situated on the West Side of Richmond Avenue, Approximately 150 Feet North of Scott Street to R-1-8 Residential Zoning District”, was passed for publication. (10-0).

### 11.5 **Public Hearing on and consideration of approval of an ordinance on Conforming Rezoning from CP Commercial Pedestrian Zoning District to R-1-8 Residence Zoning District to allow residential uses on a 0.13 gross acre site, located at/on the south side of Bailey Avenue, 150 feet westerly of North Bascom Avenue (2216 Bailey Ave) (Abtahi Hamid, et al., Owner). Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. SNI: Burbank/Del Monte. CEQA: Resolution No. 65459. C05-016 – District 6**

## 11.5 (Cont'd.)

Documents Filed: (1) Department of Planning, Building, and Code Enforcement Staff Report on Project File Number C05-016, dated April 13, 2005, recommending approval of the Conforming rezoning. (2) Proof of publication of Notice of Public Hearing, executed on April 22, 2005, submitted by the City Clerk. (3) Proof of publication of Notice of Public Hearing, executed on May 1, 2005, submitted by the City Clerk.

Action: Upon motion by Council Member Yeager, seconded by Vice Mayor Chavez, and unanimously carried, Ordinance No. 27423, entitled: "An Ordinance of the City of San José Rezoning Certain Real Property Situated on the South Side of Bailey Avenue, 150 Feet Westerly of North Bascom Avenue (2216 Bailey Avenue) to R-1-8 Residence Zoning District", was passed for publication. (10-0).

## 11.6 **Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning from R-1-2 Residential Zoning District to A(PD) Planned Development Zoning District to allow up to 12 single-family attached residential units on a 0.57 gross acre site, located on the west side of Dent Avenue, approximately 320 feet southerly of Branham Lane (4965 Dent Avenue) (Edward F. and Judith R. Infantino, Trustee, Owner). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). CEQA: Negative Declaration.**

**PDC04-080 – District 9**

Documents Filed: (1) Memorandum from the Planning Commission, dated April 13, 2005, recommending approval of the proposed rezoning. (2) Proof of publication of Notice of Public Hearing, executed on April 1, 2005, submitted by the City Clerk. (3) Proof of publication of Notice of Public Hearing, executed on April 10, 2005, submitted by the City Clerk.

Action: Upon motion by Council Member Chirco, seconded by Vice Mayor Chavez, and unanimously carried, Ordinance No. 27424, entitled: "An Ordinance of the City of San José Rezoning Certain Real Property Situated on the West Side of Dent Avenue, Approximately 320 Feet Southerly of Branham Lane (4965 Dent Avenue) to A(PD) Planned Development Zoning District", was passed for publication. (10-0).

## **OPEN FORUM**

- 1) Carol Ashman, Bill Ashman, Steve Bennet, Ron Garcia, Ellie Glass, and Alan Covington individually expressed concerns about the Evergreen Visioning Project.

## **ADJOURNMENT**

The Council of the City of San José was adjourned at 9:24 p.m., in honor of Brenda Durkin, who passed away from Breast Cancer; and in memory of Helen Hansen, Founder and Executive Director of Catholic Charities for 30 years.



## CITY OF SAN JOSÉ, CALIFORNIA

---

### MINUTES OF THE CITY OF SAN JOSÉ/REDEVELOPMENT AGENCY BOARD

SAN JOSE, CALIFORNIA

TUESDAY, MAY 3, 2005

The Council of the City of San José convened in Joint Session with the Redevelopment Agency Board at 3:26 p.m. in City Council Chambers at City Hall.

Present: Council Members: Campos, Chavez, Chirco, Cortese, Dando, Gregory, LeZotte, Reed, Williams, Yeager; Gonzales.

Absent: Council Members: None.

- 8.1 (a) **Adoption of a resolution by the City Council accepting the summary of costs and findings of the Summary 33433 Report pursuant to the California Health and Safety Code Section 33433 for the purchase and sale of an approximately 2,800 square foot parcel of Agency-owned Property at the corner of Balbach Street and Almaden Avenue**
- (b) **Approval by the Redevelopment Agency Board of a Purchase and Sale Agreement with Sobrato Development Companies for the sale of the Property for a purchase price in the amount of \$181,935, plus related closing costs; and,**
- (c) **Adoption of a resolution by the Redevelopment Agency Board approving the addition of \$181,935 to the FY 2004-2005 Adopted Other/Miscellaneous revenue, and amending the FY 2004-2005 Agency revenue resolution.**

**CEQA: Exempt. File No. PPO5-050 [MERGED]**

Documents Filed: Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated May 3, 2005, recommending adoption of the resolutions.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Cortese, and unanimously carried, Resolution No. 72653, entitled: "A Resolution of the Council of the City of San José Accepting the Summary of Costs and Findings of the Summary 33433 Report Pursuant to the California Health and Safety Code Section 33433 for the Purchase and Sale of an Approximately 2,800 Square Foot Parcel of Agency-Owned Property at the Corner of Balbach Street and Almaden Avenue", and Agency Resolution No. 5600 were adopted. (10-0).

**RON GONZALES, MAYOR**

**ATTEST:**

**LEE PRICE, C.M.C, CITY CLERK**  
EW/5-3-05 Min.